

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as "The DNA Database Act of 2010."

SECTION 2. G.S. 15A-266.2 reads as rewritten:

"§ 15A-266.2. Definitions.

As used in this Article, unless another meaning is specified or the context clearly requires otherwise, the following terms have the meanings specified:

- (1) "CODIS" means the FBI's national DNA identification index system that allows the storage and exchange of DNA records submitted by federal, State and local forensic DNA laboratories. The term "CODIS" is derived from Combined DNA Index System. ~~System~~ (NDIS) administered and operated by the Federal Bureau of Investigation.
- (1a) "Custodial Agency" means the governmental entity in possession of evidence collected as part of a criminal investigation or prosecution. ~~This term includes a central evidence storage facility operated by a State agency.~~
- (2) "DNA" means deoxyribonucleic acid. DNA is located in the ~~nucleus of cells~~ and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.
- (3) "DNA Record" means DNA identification information stored in the State DNA Database or CODIS for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the result obtained from the ~~DNA typing tests.~~ analysis. The DNA record is comprised of the characteristics of a DNA sample which are of value in establishing the identity of individuals. The results of all DNA identification ~~tests~~ analyses on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.
- (4) "DNA Sample" ~~in this Article~~ means a blood, buccal, cheek swabs, or any other biological sample containing cells provided by any person with respect to convicted ~~of offenses covered by this Article or submitted to the SBI Laboratory~~ State Bureau of Investigation pursuant to this Article for analysis pursuant to a criminal investigation, investigation or storage or both.
- (5) "FBI" means the Federal Bureau of Investigation.
- (5a) "NDIS" means the National DNA Index System that is the national DNA database system of DNA profile records which that meet federal quality assurance and privacy standards.
- (6) "SBI" means the State Bureau of Investigation. The SBI is responsible for the ~~policy management~~ policy, management, and administration of the State DNA identification record system to support law enforcement, and for liaison with the FBI regarding the State's participation in CODIS. ~~enforcement and other criminal justice agencies.~~
- (7) "State DNA Database" means the SBI's DNA identification record system to support law enforcement. It is administered by the SBI and provides DNA records to the FBI for storage and maintenance in CODIS. The SBI's DNA Database system is the collective capability provided by computer software and procedures administered by the SBI to store and maintain DNA records ~~related to forensic casework, to convicted offenders required to provide a DNA sample under this Article, and to anonymous DNA records used for research or quality control.~~ to: forensic casework; convicted offenders and arrestees required to provide a DNA sample under this Article; persons required to register as sex offenders under G.S. 14-208.7; unidentified persons or body parts; missing persons; relatives of missing persons; and anonymous DNA profiles used for forensic validation, forensic protocol